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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DEAN F. JERDING, ARTURO A. RODRIGUEZ,
and ROBERT O. BANKER

Appeal 2009-011060
Application 09/590,904
Technology Center 2400

Before MAHSHID D. SAADAT, ALLEN R. MacDONALD,
and MARC S. HOFF, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 2, 3, 5-30, 32-37, 39-54, and 59-64. No other claims are pending. (App Br. 2.) We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' invention relates to television interactive program guides that search for television program information and display the results on a viewing device (*see* Spec. 3:3-11).

Exemplary independent claim 63 reads as follows:

63. A programmable television services client device for enabling a user to search for television program information, said client device comprising:

memory comprising:

program information corresponding to a plurality of television programs;

an initial interactive program guide (IPG) arrangement; and

a user interface (UI) module; and

a processor configured with the UI module to associate the program information with the initial IPG arrangement, the processor further configured with the UI module to:

present the initial IPG arrangement on a display device, the initial IPG arrangement including a channel area, a first program display area adjacent the channel area, and a browse-by icon;

receive a first user input corresponding to selection of the browse-by icon;

present a first IPG arrangement on the display device responsive to the first user input, the first IPG arrangement comprising a browse-by area that displaces the channel area, the browse-by area having a search option;

receive a second user input corresponding to selection of the search option;

present a second IPG arrangement on the display device responsive to the second user input, the second IPG arrangement comprising a user input field that displaces the browse-by area;

receive a third user input corresponding to a search term, the third user input entered through the user input field;

search the program information based on the search term;
and

present a third IPG arrangement on the display device responsive to the search, the third IPG arrangement comprising a second program display area that displaces the user input field, the second program display area comprising a search result comprising the program information for a portion of the plurality of television programs where the search term is in a respective television program title.

The Examiner rejected claims 2, 3, 5-30, 32-37, 39-54, and 59-64 under 35 U.S.C. § 103(a) based upon the teachings of and Rothmuller (US 5,635,989) and Legall (US 6,005,565).

The Examiner rejected claims 9-14 and 39-41 under 35 U.S.C. § 103(a) based upon the teachings of and Rothmuller, Legall, and Boyer (US 6,268,849 B1).¹

ANALYSIS

The Examiner finds (Ans. 3-5) that Rothmuller discloses the claimed features except for

where the browse area or browse-by-cells of varying length is the claimed "browse-by- icon" and a user-selectable search option, having browse-by area having a search option and providing various guide arrangements, i.e., Display of fig.2 does not clearly show "...a second program display area," responsive to the search option.

(Ans. 6). The Examiner relies on Legall for disclosing these features and states that it would be obvious to modify Rothmuller accordingly (Ans. 6-7).

¹ The final rejection of claims 2, 3, 5-30, 32-37, 39-54, and 59-64 under 35 U.S.C. § 112, first paragraph, was withdrawn by the Examiner (Ans. 11).

Appellants contend that the Examiner has not clearly stated which portions of Rothmuller correspond to the first IPG arrangement and a browse-by area that has a search option or displaces the channel area, as recited in claim 63 (App. Br. 13-14; Reply Br. 3-4). In response to the Examiner's position that Rothmuller receives the user's input to search for and display programs (Ans. 12-13), Appellants argue that the user input is via a keyboard or an IR remote to the processor which creates a favorite list (Reply Br. 4). Appellants further assert that Rothmuller does not disclose that this favorite list is presented to the user, or includes a browse-by area that displaces the channel area or has a search option (*id.*).

We agree with Appellants' contentions above. In particular, we do not find that the program guide shown in Figure 2 of Rothmuller displays the required areas of the IPG arrangements, as recited in claim 63. We also agree with Appellants (Reply Br. 4) that the user inputs entered via an IR remote in Rothmuller result in the processor 15 to modify the list of favorite programs, but does not cause displaying the related modifications or the browse-by area and the search options (*see* col. 4, ll. 29-53; col. 6, l. 60 – col. 7, l. 9). In other words, the teachings relied on by the Examiner indicate that Rothmuller merely displays the program guide shown in Figure 2 based on the information stored in the memory with no changes to the presented guide including the displayed icon and areas required by the claims.

Further, we agree with Appellants that Legall does not remedy the deficiencies of Rothmuller (App. Br. 15-16). Specifically, as contended by Appellants (Reply Br. 6), the search area shown in figure 3B of Legall includes no displayed channels which are displaced by a browse-by area having a search option, as recited in claim 63.

CONCLUSION

For the foregoing reasons, we conclude that the Examiner erred in rejecting independent claim 63, as well as claim 64 which includes similar limitations, as obvious. Accordingly, we will not sustain the rejection of claims 63 and 64, or of claims 2, 3, 5-30, 32-37, 39-54, and 59-62 dependent therefrom.

DECISION

The Examiner's decision rejecting claims 2, 3, 5-30, 32-37, 39-54, and 59-64 is reversed.

REVERSED

msc